



Connecticut Sexual Assault Crisis Services, Inc.

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Testimony of Connecticut Sexual Assault Crisis Services
In Support of SB 443, An Act Concerning Illegal Electronic Monitoring
In Support of HB 5548, An Act Concerning Domestic Violence
Anna Doroghazi, Director of Public Policy and Communication
Judiciary Committee, March 23, 2012

Senator Coleman, Representative Fox, and members of the Judiciary Committee, my name is Anna Doroghazi, and I am the Director of Public Policy and Communication for Connecticut Sexual Assault Crisis Services (CONNSACS). CONNSACS is the statewide association of Connecticut's nine community-based rape crisis programs. During the last year, advocates throughout the state provided services to over 5,700 victims of sexual violence and their loved ones. Based on this work, we would like to testify in support of SB 443, An Act Concerning Illegal Electronic Monitoring and HB 5548, An Act Concerning Domestic Violence. We would also like to encourage the Committee to expand Section 11 of HB 5548 to update Connecticut's stalking statutes.

CONNSACS supports **SB 443, An Act Concerning Illegal Electronic Monitoring**. As we will discuss below, current Connecticut statutes do not impose criminal penalties on individuals who use GPS and other forms of electronic monitoring to track or monitor another person. We believe that the type of monitoring described in SB 443 jeopardizes an individual's safety and should be subject to criminal penalties.

CONNSACS also supports HB 5548, An Act Concerning Domestic Violence. Sexual assault and domestic violence are distinct crimes, but some sexual assault survivors experience their victimization in the context of a marriage or dating relationship. Some of the changes proposed in HB 5548, An Act Concerning Domestic Violence, would also benefit victims of sexual assault. Specifically, CONNSACS supports the following: extending the duration of restraining orders from six months to one year (Section 1), adding "stalking or a pattern of threatening" to the list of incidents that constitute "family violence" (Section 2), and requiring victims to be notified if their offenders violate their probation (Section 12). While we applaud efforts to extend the duration of restraining orders, we would like to see these be made extended to victims of sexual assault and stalking who are not "family or household members." Many victims of sexual assault and stalking experience harm at the hands of friends and acquaintances rather than family or household members, yet they are still in need of protection.

We also support Section 11 of HB 5548. This section would make a slight change to C.G.S. § 53a-181c, which defines stalking in the first degree. Unfortunately, due to the outdated and ineffective nature of Connecticut's existing stalking statutes, a slight change is not good enough. Attached to this testimony is additional language that CONNSACS respectfully submits for your consideration. This language would address two specific flaws in the current statute: the lack of protection for stalking victims who fear for the safety of their children and other third parties, and the limited scope of behaviors that currently constitute a stalking violation.

Connecticut's existing stalking statutes [C.G.S. § 53a-181(c)(d)(e)] are insufficient to protect victims. The statutes were written in 1992 and 1994, and they have never been updated or revised. While many states put their first stalking statutes on the books around the same time as Connecticut, nearly all of them have made changes in the intervening years. Currently, Connecticut is tied with Alabama for having the nation's oldest unrevised stalking statutes.

Stalking is much better understood now than it was in 1992. Since that time, research has revealed the intense psychological, emotional, and financial impact that stalking can have on victims and survivors. Current Connecticut law only applies to victims who feel fear for their personal physical safety, yet we now know that more than half of victims live in fear of their stalker causing harm to themselves, their child, or another family member.¹ We know that nearly one in three victims accrue expenses as a result of being stalked, and one in eight lose time from work.² Some offenders prey on their victims in the workplace, making victims fearful that their employment is in jeopardy. Our proposed language would address these very real concerns by expanding the definition of stalking to include victims who fear for the safety of a third party (such as a child, co-worker, partner, or friend) and/or who fear that their job is at risk due to their stalker's behavior.

Perhaps more importantly, our proposed language would also address the wide range of methods and behaviors that stalkers use to frighten and alarm their victims. Currently, the only offender behaviors that constitute stalking under Connecticut statute are "willfully and repeatedly following or lying in wait" for a victim. The stalking statutes, therefore, do not apply to offenders who:

- Use GPS or other electronic devices to track a victim's movements
- Repeatedly call, text, email, or send letters to a victim, even if the victim has previously indicated that such communication is unwanted
- Repeatedly leave unwanted objects and presents for a victim
- Cause repeated disturbances that may jeopardize a victim's employment
- Engage in a varied course of conduct that may involve leaving notes one day, sending flowers the next day, and sending hundreds of text messages the following day

In November of 2011, the Centers for Disease Control and Prevention released the results of the National Intimate Partner and Sexual Violence Survey, a nationwide survey completed by over 16,000 adults from all fifty states. The survey included questions about stalking victimization and found that 1 in 6 U.S. women and 1 in 19 U.S. men had, at some point in their lives, experienced stalking victimization that made them fearful or caused them to believe that they or someone they loved would be hurt or killed.³ The survey also gathered data about the stalking behaviors and found that, "repeatedly receiving unwanted telephone calls, voice, or text messages was the most commonly

¹ Katrina Baum et al., (2009). "Stalking Victimization in the United States," Washington, DC: Bureau of Justice Statistics.

² *ibid*

³ Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R. (2011). "The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report." Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

experienced stalking tactic for both female and male victims of stalking (78.8% for women and 75.9% for men).” Further:

- 43.5% of offenders approached their victim or showed up in the same location
- 31.0% of offenders watched or followed their victim
- 16.6% of offenders snuck into the car or home of their victim
- 12.3% of offenders sent their victims unwanted emails or messages
- 11.6% of offenders sent unwanted gifts
- 9.0% of offenders left strange items for their victims to find

Additional research has shown that 78% of stalkers use more than one means of approach in the process of stalking their victims.⁴

Offenders have numerous means of intimidation and harassment at their disposal; victims deserve to be protected from all of them. Stalking is, in essence, a pattern of behavior or behaviors – the individual actions themselves are not as important as their cumulative effect and the message that they send to victims. When a stalker leaves a “gift” on a victim’s doorstep, places a note on her windshield in the grocery store parking lot, calls her place of employment, and then shows up at a restaurant where she is eating dinner, he is indicating his ability to access the victim at any moment, wherever she may be. The message is more important than the means.

For this reason, our proposed language does not specify which behaviors must be repeated to constitute stalking; instead, we would like for Connecticut to develop “course of conduct” guidelines that, instead of focusing on a specific action, focus on the intent of the offender. Such “course of conduct” or “pattern of conduct” guidelines are already in place in 44 other states and are recommended in the National Center for Victims of Crime’s Model Stalking Code (on which we partially based our proposed language).

There are strong connections between stalking and sexual violence. Some sex offenders monitor or follow their victims prior to an assault, and others repeatedly contact their victims after an assault has taken place. Similarly, some stalkers use sexual violence or the threat of sexual violence to control and intimidate their victims.

CONNSACS hopes that the Committee will see the urgency with which our existing stalking statutes must be revised. We appreciate the opportunity to share our thoughts on this important legislative issue, and we hope that you will carefully consider our proposed language for Section 11 of HB 5548.

Thank you for your time and consideration.

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⁴ Kris Mohandie et al., “The RECON Typology of Stalking: Reliability and Validity Based upon a Large Sample of North American Stalkers,” *Journal of Forensic Sciences*, 51, no. 1 (2006).

CONNSACS respectfully submits the following language to expand Connecticut's stalking statutes:

(NEW) (*Effective October 1, 2012*) Definitions. As used in this part the following terms have the following meanings:

- (1) "Course of conduct" means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, lies in wait for, monitors, observes, surveils, threatens, harasses, communicates with, or sends unwanted gifts to, a person, or interferes with a person's property.

Section 53a-181c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) A person is guilty of stalking in the first degree when he commits stalking in the second degree as provided in section 53a-181d and (1) he has previously been convicted of [this section or] a violation of section 53a-181d, or (2) such conduct violates a court order in effect at the time of the offense, or (3) the other person is under sixteen years of age.

(b) Stalking in the first degree is a class D felony.

Section 53a-181d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) A person is guilty of stalking in the second degree when [he, with intent to cause another person to fear for his physical safety, wilfully and repeatedly follows or lies in wait for such other person and causes such other person to reasonably fear for his physical safety.] such person knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to:

(1) fear for his or her safety or the safety of a third person; or

(2) fear that such person's employment, business or career is threatened, where such conduct consists of appearing at, telephoning to or initiating communication or contact at such other person's place of employment or business, and the actor was previously clearly informed to cease such conduct

(b) Stalking in the second degree is a class A misdemeanor.

Section 53a-181e of the general statutes is repealed. (*Effective October 1, 2012*)